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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,553	03/17/2006	Stefan Forss	0104-0553PUS1	5081
2292	7590	07/09/2008		
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			DURAND, PAUL R	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3721	
			NOTIFICATION DATE	DELIVERY MODE
			07/09/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/572,553	FORSS, STEFAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul R. Durand	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 April 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 and 22-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,9 and 12-18 is/are rejected.  
 7) Claim(s) 8,10,11 and 22-24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/17/2006.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of invention I, claims 1-18 and newly submitted claim 22-24 in the reply filed on 4/30/2008 is acknowledged. Claims 19-21 have been cancelled.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method as set forth in claim 1 to include the bag being clamped and filled must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On page 3 of the specification, the claim numbering should be deleted as claim 19 is now cancelled and the independent claim may not issue as claims 1 and 5. .

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12 and 13, the term "mandrel" lacks antecedent basis.

In claim 14, the term "heating jaw" lacks antecedent basis.

In claim 15, the term "second piston rod" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4-7, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gautier (US 4,361,235) in view of Shaw (US 3,382,642).

In claims 1 and 5, Gautier discloses the invention as claimed including a duct "B", collapsible container "A", the duct, being defined by two opposite side walls joined along a connecting portion 8, and comprising an inlet (Generally 4B) arranged in one of the side walls, where the duct is filled with air prior to sealing (see entire document).

What Gautier does not disclose is the clamping and filling of the duct. However, Shaw teaches that it is old and well known in the art to provide a filling machine for filling an inlet 15 on a container, with an abutment 17, gas module 23, axially movable towards the abutment (17), allowing one of the two side walls to bulge to form a free passage into the duct for filling and after completion of the gas filling, sealing the duct with sealer 36 (see entire document).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Gautier with the filling means as taught by Shaw for the purpose of filling a container compartment with a pressurized fluid.

In claim 2, the modified invention of Gautier, through Shaw teaches that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a clamping means comprised of filling nozzle and member 20 for the purpose of holding a container in place during filling (see figures 1-6).

In claims 4 and 9, the modified invention of Gautier, through Shaw teaches that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a heat and pressure sealer 36 for the purpose of sealing a container.

In claim 6 and 7, the modified invention of Gautier, through Shaw teaches that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide fill nozzle 28 and packing means 36 (see figures 1-6).

In claims 17 and 18, the modified invention of Gautier discloses the invention as claimed including sealing means 36 utilizing an abutment 17. What the modified invention of Gautier does not disclose is the use of an abutment having a low thermal conductivity and cooling means. However, the examiner takes Official Notice that it would have been obvious to one having ordinary skill in the art to utilize low conductivity material and cooling means in conjunction with a sealing device for the purpose of preventing damage to the package itself.

8. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gautier and Shaw in view of Powell et al. (US 7,024,836).

The modified invention of Gautier discloses the invention as claimed as applied to claims 1 and 5 above except for an abutment utilizing a recess. However, Powell

teaches that it is old and well known in the art to provide a filling machine with an abutment 24, comprised of a recess 25, which allows a package 10 to expand while being filled (see figures 1, 6 and 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Gautier with the abutment means as taught by Powell for the purpose of facilitating filling of a package compartment.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Durand whose telephone number is (571)272-4459. The examiner can normally be reached on 0830-1700, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul R. Durand/  
Primary Examiner, Art Unit 3721  
July 8, 2008